

ILLINOIS POLLUTION CONTROL BOARD
January 10, 2002

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 02-82
) (Enforcement – Water)
DI PAOLO COMPANY,)
)
 Respondent.)

ORDER OF THE BOARD (by C.A. Manning):

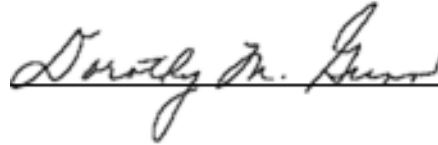
On December 19, 2001, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Di Paolo Company (Di Paolo). *See* 415 ILCS 5/31(c)(1) (2000); 35 Ill. Adm. Code 103.204. The People allege that Di Paolo violated Sections 12(a), 12(d), and 12(f) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), 12(d), and 12(f) (2000)), and various provisions of the Board's water pollution regulations. The People further allege that Di Paolo violated these provisions by pumping groundwater with sediment into a designated wetland area. Di Paolo is a construction and excavation contractor. The complaint concerns a water main extension in Valley Lakes Subdivision, Round Lake, Lake County.

On December 26, 2001, the People and Di Paolo filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2000)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2000)). *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, DiPaolo neither admits nor denies the alleged violations, but would pay a \$9,000 penalty.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties' request for relief and hold a hearing. 415 ILCS 5/31(c)(2) (2000); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 10, 2002, by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board